

1 COOLEY GODWARD LLP
JAMES DONATO (146140) (jdonato@cooley.com)
2 ANGELA L. DUNNING (212047) (adunning@cooley.com)
101 California Street, 5th Floor
3 San Francisco, CA 94111-5800
Telephone: (415) 693-2000
4 Fax: (415) 693-2222

5 Attorneys for Plaintiff IRVIN T. TATUM

6 BILL LOCKYER
Attorney General of the State of California
7 THOMAS S. PATTERSON (202890) (thomas.patterson@doj.ca.gov)
Deputy Attorney General
8 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
9 Telephone: (415) 703-5727
Fax: (415) 703-5843

10 Attorneys for Defendants T. ALEXANDER and
11 J. JACKSON

E-filing

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 IRVIN T. TATUM,

18 Plaintiff,

19 v.

20 T. ALEXANDER, *et al.*,

21 Defendants.

Case No. C 02-1461 WHA (BZ)

STIPULATION RESCHEDULING SETTLEMENT
CONFERENCE TO NOVEMBER 10, 2005

Magistrate Judge: Hon. Bernard Zimmerman

22
23 WHEREAS, the Court issued its Case Management Order and Reference to Magistrate
24 Judge for Mediation/Settlement (the "Order") on July 14, 2005, establishing certain dates and
25 deadlines and referring this matter for a settlement conference before the Honorable Bernard
26 Zimmerman;

27 WHEREAS, the Order provides no deadline for the completion of the settlement
28 conference;

COOLEY GODWARD LLP
ATTORNEYS AT LAW
PAID 0110

711861 v1/PA

1.

STIPULATION RESCHEDULING SETTLEMENT
CONFERENCE TO NOVEMBER 10, 2005
C 02-1461 WHA (PR)

1 WHEREAS, pursuant to the Order Scheduling Settlement Conference entered on August
2 4, 2005, a settlement conference has been scheduled in this matter for Thursday, October 6, 2005,
3 at 9:00 a.m.;

4 WHEREAS, the Order Scheduling Settlement Conference states that "[i]t is the
5 responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the
6 case for settlement purposes is completed by the date of the settlement conference";

7 WHEREAS, defense counsel was unable to locate or communicate with defendant
8 Alexander until the week of September 19, 2005, due to the latter's illness and a recent relocation
9 for purposes of treatment;

10 WHEREAS, as a result, defendant Alexander has not yet responded to outstanding
11 discovery served by plaintiff and has not yet been made available for deposition;

12 WHEREAS, defendant Alexander is expected to respond to discovery on or before
13 October 7, 2005, and to be available for deposition in or around mid-October 2005;

14 WHEREAS, the parties desire to reschedule the date of the settlement conference in this
15 matter to November 10, 2005, so as to allow the parties time to complete discovery necessary to
16 evaluate the case for settlement, including without limitation completing written discovery and
17 conducting and defending the deposition of defendant Alexander; and

18 WHEREAS, the extension proposed herein will not postpone or extend any other dates or
19 deadlines set forth in the Order, including without limitation the hearing on the parties'
20 dispositive motions, the pretrial conference, or trial;

21 IT IS HEREBY STIPULATED by and between the parties hereto, through their
22 respective counsel, that:

23 1. The settlement conference currently set in this matter for Thursday, October 6,
24 2005, at 9:00 a.m., is hereby rescheduled for Thursday, November 10, 2005, at 9:00 a.m.;

25 2. Each party shall prepare a Settlement Conference Statement, which must be served
26 on opposing counsel and lodged with Judge Zimmerman's chambers on or before Thursday,
27 November 3, 2005; and
28

3. This Stipulation may be executed by facsimile and in counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

Dated: Sept. 27, 2005

Respectfully submitted,

COOLEY GODWARD LLP
JAMES DONATO (146140)
ANGELA L. DUNNING (212047)


Angela L. Dunning

Attorneys for Plaintiff
IRVIN T. TATUM

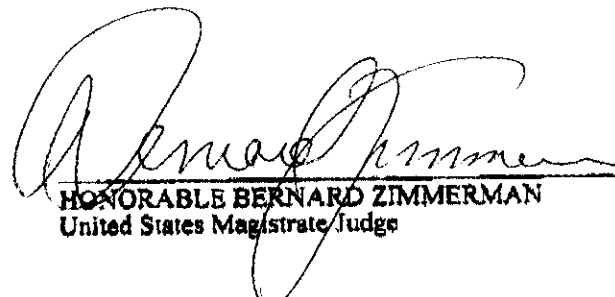
BILL LOCKYER
Attorney General of the State of California
THOMAS S. PATTERSON (202890)
Deputy Attorney General


Thomas S. Patterson

Attorneys for Defendants T. ALEXANDER and J. JACKSON

IT IS SO ORDERED.

Dated: 22 Sept., 2005


HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge